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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,886	08/10/2006	Roger Payn	TOPT0102PUSA	7417
22045	7590	10/09/2009	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			WOZNIAK, JAMES S	
		ART UNIT		PAPER NUMBER
		2626		
		MAIL DATE	DELIVERY MODE	
		10/09/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,886	PAYN, ROGER	
	Examiner	Art Unit	
	JAMES S. WOZNIAK	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 August 2006 and 09 July 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 and 10-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. **Claims 1-8 and 10-12** are objected to because of the following informalities:

In **Claim 1**, line 2, "comprising a database" should be changed to –comprising: a database--.

In **Claim 1**, lines 4-5, "language, characterized in that the communication aid includes a two-sided" should be changed to --language; and a two-sided-- in order to clearly define the claimed elements because current claim construction seems to indicate that the database is further characterized and is further unclear.

Claim 1 recites a display "designed to" allow certain functions. It is not certain whether these functions are part of the claim because they are not positively recited only "designed to" allow them. It appears that some type of processing element (*if supported in the specification*) should be claimed in order to actively recite this displaying function. These functions will be considered as being actively performed for the application of the prior art of record.

In **Claim 3**, "the card" and "the other side" lack antecedent basis.

In **Claims 4 and 10**, "the second side of each card" lacks antecedent basis. It is suggested for claim 4 that the dependency of the claim should be changed to claim 3, however, this amendment would result in claim 10 being a duplicate.

Claims 5 and 11-12 recite various steps/elements "adapted to" perform certain functions. It is not certain whether these functions are part of the claim because they are not positively

recited only "adapted to" perform them. These functions will be considered as being actively performed for the application of the prior art of record.

In **Claim 6** "the associated element" lacks antecedent basis.

In **Claim 8**, line 4, "information in two people" should be changed to –information for two people--. Also in this claim, "characterized by means for entering" should be changed to –means for entering--.

The further dependent claims fail to overcome the preceding objections, and thus, are also objected to due to minor informalities by virtue of their dependency.

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: The disclosure lacks section headings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2626

4. **Claim 8** is rejected under 35 U.S.C. 102(b) as being anticipated by Sukeda et al (*U.S. Patent: 5,854,997*).

With respect to **Claim 8**, Sukeda discloses:

A communication aid comprising:

A display device for displaying information in two people on different sides of the display device (*Fig. 1*);

Characterized by means for entering or selecting information in a first language and displaying it on one of the two sides (*information entry means and display means for presenting first language information on one of the displays, Col. 3, Line 51- Col. 4, Line 16; and Fig. 1*); and

Means for displaying a translation of the information in a second language on the other side (*translation into a second language is displayed on the other display screen, Col. 4, Lines 1-16; and Fig. 1*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2 and 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser (*U.S. PG Publication: 2004/0172236 A1*) in view of Sukeda et al (*U.S. Patent: 5,854,997*).

With respect to **Claim 1**, Fraser discloses:

A communication aid for communicating from a first language L1 to a second language L2 (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019*), comprising a database of possible messages to be communicated (*message database, Paragraph 0068*), each message being recorded in a first language L1, a second language L2 and a phonetic equivalent of the second language (*database has a first language, second languages, and phonetic equivalents, Paragraph 0068 and Fig. 6g*), characterized in that the communication aid includes a visual display facility designed to allow a selected message to be withdrawn from the database and to be displayed in the first language L1 and phonetically in the second language L2 on a first side of the display facility (*display shows text of a first language user and a phonetic equivalent of text in a language of a second user, Paragraphs 0058-0059 and 0068*).

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display for communication, wherein a second language is displayed on a second side of the two-sided display. Sukeda, however, recites a language communication device feature two display sides (*Fig. 1*), wherein a first side shows a first language and a second side shows a second language text equivalent (*Col. 2, Lines 25-46; Col. 4, Lines 1-16; and Col. 5, Lines 23-33*).

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

With respect to **Claim 2**, Fraser further discloses:

An electronic memory having three different parts for storing phrases or words respectively in the first language L1, phonetically in the second language [["L"]] L2 and in the second language L2, and means defining an association between an address in each of the three parts (*electronic system database having first language, second languages, and phonetic equivalents that associates various languages which are also linked with their phonetic equivalents, Paragraph 0068*).

With respect to **Claim 5**, Sukeda further discloses:

The visual display facility is designed to be hand-held and is adapted to carry two messages simultaneously, with one message being inverted relative to the other and the messages being displayed at opposite ends of the display (*hand held device that carries two messages simultaneously, which are inverted and displayed at opposite ends of the display, Fig. 1*).

With respect to **Claim 6**, Fraser discloses:

A communication aid characterized by: a display device for displaying information to two people (a) and (b) (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019; having a display, Paragraphs 0047 and 0063 and Fig. 1, Element 104*);

database of information partitioned into three parts (a), (c) and (b) parts (a) and (b) containing information appropriate to the respective aforesaid people (*database having data sections related to a first and second language for speakers thereof and associated phonetic equivalents, Paragraph 0068*); means linking each element of information in part (a) with an element of information in part (b) and an element in part (c) (*database associations/indexing between languages and phonetic equivalents, Paragraph 0068*); and means for displaying a selected element of information from part (a) with the associated element from part (c) the display device (*text in a first language and a phonetic equivalent of a second language translation is displayed to a first speaker, Paragraph 0063*).

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display for communication, wherein a second language is displayed on a second side of the two-sided display. Sukeda, however, recites a language communication device feature two display sides (*Fig. 1*), wherein a first side shows a first language and a second side shows a second language text equivalent (*Col. 2, Lines 25-46; Col. 4, Lines 1-16; and Col. 5, Lines 23-33*).

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

With respect to **Claim 7**, Fraser further discloses:

Part (a) contains phrases in a first language and part (b) contains corresponding phrases in a second language (*statements, questions, etc. associated with various languages, Paragraph 0068*).

7. **Claims 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al and further in view of Jacobs (*U.S. Patent: 4,311,465*).

With respect to **Claim 3**, Fraser in view of Sukeda discloses the language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Fraser in view of Sukeda does not specifically suggest system implementation using cards, however, Jacobs shows dual-sided cards for translation (*Fig. 8; and Col. 3, Line 42- Col. 4, Line 4*).

Fraser, Sukeda, and Jacobs are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda with the card implementation taught by Jacobs in order to provide a more physically simple translation device (*Jacobs, Col. 1, Lines 59-65*).

Claim 11 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

8. **Claims 4, 10, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al in view of Jacobs and further in view of Mestre (*U.S. Patent: 6,999,915*).

With respect to **Claim 4**, Fraser in view of Sukeda and further in view of Jacobs discloses the card-based language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Jacobs does not specifically suggest that a card sheet carries a greeting in a foreign language, however, Mestre discloses that a translation sheet carries a greeting heading in a foreign language (*Fig. 1, Element 110A; and Col. 6, Lines 14-20*).

Fraser, Sukeda, Jacobs, and Mestre are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda and further in view of Jacobs with the greeting taught by Mestre in order to provide an arrangement that introduces following language communications (*Mestre, Col. 6, Lines 14-20*).

Claim 10 recites subject matter similar to claim 4, and thus, is rejected under similar rationale.

Claim 12 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached at (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
Primary Examiner, Art Unit 2626